

Housing appeal decisions for w/c 28 November 2022*

Scheme	Appeal Reference	Description of Scheme	Local Planning Authority	Appellant	Appeal Decision	Issues Summary
Land rear of 13 to 73 Stafford Road, Duppas Hill Road, Croydon CR0 4BG	APP/L5240/W/22/3297832	Development proposed is the erection of buildings comprising 140 residential dwellings (Use Class C3) and 416m ² (GIA) Community Hub (flexible Use Class F.1/F.2), ranging from two to five storeys	London Borough of Croydon	Conegate Limited	Allowed	Proposal on allocated school site. The housing would preclude the future provision of secondary school, in conflict with current and emerging local planning policy. On the balance of probabilities, there was no reasonable prospect of the school site coming forward and the continued protection of the site for education needs would be no longer appropriate. The proposal would contribute to meeting an unmet need for housing in the borough where there was a limited supply of land for such uses. This was a material consideration of sufficient weight to indicate that the appeal should be decided otherwise than in accordance with the development plan.
Land to the South of Williamsfield Road, Hutton Cranswick YO25 9BH	APP/E2001/W/21/3282450	Development proposed is described as outline planning application for residential development of approx. 67 dwellings	East Riding of Yorkshire Council	Mr Paul Liseter (Williamsfield Developments Ltd)	Dismissed	Proposal on agricultural land outside a settlement boundary in the countryside not identified as a housing allocation in the local plan. Recent housing delivery had been substantially above the housing requirement. The site was not an appropriate location for the proposal having regard to the locational policies in the development plan and the housing land supply position. Significant harm would be caused to the character and appearance of the surrounding area, as the development could not demonstrate that it would be sensitively absorbed into the local landscape. There was an absence of a legal agreement to secure the proposed 20 per cent affordable housing and other developer contributions, contrary to local plan policies. The proposal was therefore found to conflict with the development plan and material considerations did not indicate that a decision should be made other than in accordance with the development plan.
North Lodge Farm, Lower Road, Effingham, Leatherhead KT24 5JP	APP/Y3615/W/22/3298341 & APP/Y3615/W/22/3298341	Hybrid planning application for outline planning permission (only access to be considered) for the erection of 4 self-build dwellings on land at 408-410 Lower Road, Effingham following demolition of all existing buildings; and full planning permission for the erection of 110 dwellings	Guildford Borough Council	Berkeley Homes (Southern) Ltd	Partly Allowed Partly Dismissed	Proposal on a green belt site outside a village. The development, by virtue of its scale and nature, would have an urbanising effect and would be inappropriate development in the green belt such that it should not be approved except in very special circumstances. For viability reasons the development was also linked to the delivery of a new replacement school within a separate outline permission and reserved matters approval, also located in the green belt. The new school would not be viable without the proposed housing development. In terms of the very special circumstances, these would exist in delivering a much-needed and approved new school. Further benefits would arise in the provision of new housing, supplementary to the previously approved housing in the outline permission. Taken together these would outweigh the totality of the harm, including to the green belt, heritage, character and appearance and associated development plan conflict. The scheme would represent sustainable development which outweighed the conflict with the development plan as a whole sufficient.

* Showing decisions relating to appeals for over 10 units

Land south of Hollin Cross Lane, Glossop SK13 8JH	APP/H1033/W/22/3303566	Redevelopment of site to provide 30 dwellings (Use Class C3)	High Peak Borough Council	Glossop Eden Ltd	Dismissed	Proposal within the substantial, wooded grounds of a NDHA in a conservation area. The proposal would assimilate with the conservation area, however possible harm from loss of numerous onsite trees would harm the area character while reducing screening in the conservation area public views; tree loss acceptable subject to conditions. Usability of the gardens would not be materially compromised by overshadowing trees. The scheme would secure a long term viable use for the NDHA. The proposal would fail the mix policy requirements which reflected local needs.
Land north of Toddington Lane (adjacent to Lyminster Bypass), Hampton Park, Littlehampton BN17 7PP	APP/C3810/W/22/3304168	Development proposed is outline planning application for the erection of up to 71 dwellings	Arun District Council	T & L Crawley LLP	Dismissed	Whilst within a context of a housing land supply deficit, the adverse impacts of jeopardising delivery of an urban extension scheme would significantly outweigh the benefits. The urban extension scheme would provide a far greater number of dwellings, infrastructure, community and other non-residential uses. Allowing the appeal would sever the site from the wider area and affect the ability to rely on a 2018 permission to deliver the housing element which formed part of the housing delivery in the local plan. It would also harmfully affect the potential delivery of employment-related development, in conflict with an employment local plan policy and expectations for the urban extension scheme.
Land to the rear of 92 to 102 Monkton Street, Monkton, Ramsgate CT12 4JQ	APP/Z2260/W/21/3286245	Development proposed is residential development of up to 49 dwellings	Thanet District Council	Heyhill Land	Allowed	Proposal on an agricultural field on the edge of a village between a caravan park and a builders' yard. The largely enclosed nature of the site meant that harm to rural character would mostly be localised. The site consisted of Grade 1 and 2 Best and Most Versatile agricultural land which would be lost. However the area lost would be relatively small in compared to the availability of BMV land in the area. Planning obligations would be necessary for affordable housing, recreation, and mitigation to an Special Protection Area and Ramsar site.
Land North of Western Road, Silver End, Essex	APP/Z1510/W/21/3286262	Development proposed is erection of 126 homes	Braintree District Council	Redrow Homes Limited	Dismissed	Proposal on an allocated housing site outside a village formed part of a larger development granted on appeal a number of years earlier and where permission had subsequently been given for 126 houses on the appeal site. In the revised plans, some of the design and layout elements would harm area character and appearance; the proposal was in conflict with development plan policies relating to design and layout. Despite finding no harm in respect of changes to housing mix, additional harm to living conditions including noise and disturbance from cars was identified and overall the scheme would conflict with the provisions of the development plan as a whole.

<p>Land North East of 74 North Street, Biddenden, Kent</p>	<p>APP/E2205/W/22/3302116</p>	<p>Development proposed is 'up to 50 dwellings (including 40% affordable housing)'</p>	<p>Ashford Council Borough</p>	<p>Gladman Developments Ltd</p>	<p>Allowed</p>	<p>Windfall housing scheme on agricultural land adjacent to a smaller village contravened a development plan policy permissive of new housing outside settlement boundaries provided the scale of development was proportionate to the size of the settlement and able to be absorbed by local services in combination with other planned and committed developments. The policy did not define 'proportionate' and as the proposal was not significantly larger than a built out allocation for 45 dwellings in the village, it was proportionate in size. The council pointed to a 30 per cent increase in the number of dwellings in the village over the plan period when taking into account windfall permissions, but this was not considered excessive or unduly disproportionate and did not breach policy or undermine spatial strategy. Given the varying timescales for development of the permitted housing schemes and a submitted unilateral undertaking, local services could absorb this level of growth. In an overall tilted balance triggered by a housing land supply shortfall, the benefit of housing including twenty affordable homes in a location compliant with the development plan and the other benefits of the scheme, outweighed harm to rural character and a modest loss of best and most versatile agricultural land.</p>
<p>St Clare Business Park and 7-11 Windmill Road, Hampton Hill TW12 1BP</p>	<p>APP/L5810/W/21/3278412</p>	<p>Development proposed is demolition of existing buildings to provide a mixed use building between three and five storeys plus basement in height comprising 98 residential flats (class C3)</p>	<p>Richmond upon Thames Borough Council London</p>	<p>Notting Hill Home Ownership Ltd</p>	<p>Dismissed</p>	<p>The council's sole reason for refusal concerned the loss of locally important employment floorspace. A robust marketing exercise had demonstrated that due to the poor condition of the buildings and poor access, without significant investment the appeal site would continue to have a high vacancy rate and make only a limited contribution towards meeting demand. A net reduction in employment floorspace would be offset by provision of modern high-quality flexible multi-functional spaces with improved access and energy efficiency, including 10 per cent affordable workspaces, which were suited to office, research and light industrial uses more appropriate to the site's residential context. The proposal would result in other harm to the character of the high street streetscene from an overly large three-storey building proposed and a poor relationship between the development and neighbouring dwellings, leading to an overbearing impact, loss of outlook, light, privacy and disturbance. Overall the benefits of the scheme did not outweigh these environmental harms.</p>
<p>Pinehurst House Care Home, Pinehurst, Sevenoaks, Kent TN14 5AQ</p>	<p>APP/G2245/W/22/3301377</p>	<p>Erection of two three storey blocks, two four storey blocks and one five storey block totalling 56 residential units</p>	<p>Sevenoaks Council District</p>	<p>Impact Developments (Sevenoaks) Ltd</p>	<p>Allowed</p>	<p>Demolition of a former care home to be replaced by a range of blocks containing 56 apartments. While the massing and form of development would materially change this would not be obtrusive or out of character with the predominantly residential area. It would also make effective use of land within a sustainable location involving a brownfield site. There would be a shortfall of eight spaces in parking provision and the Council together with many local residents were concerned that inadequate on-site parking would result in offsite roadside parking leading to conditions that would be prejudicial to highway safety. A car club had the potential to reduce demand for spaces and the appellant was committed to submitting a travel plan. These would be secured via a planning obligation which taken together with other measures would ensure that the scheme did not give rise to on-street parking issues. Given that the site was contaminated and required remediation, a low density housing scheme would not enable it to be adequately redeveloped. The council's delivery of housing had been poor and the benefits significantly outweighed the limited harm.</p>